

COMMONWEALTH OF VIRGINIA



KING WILLIAM CIRCUIT COURT
Civil Division
351 COURTHOUSE LANE, SUITE 130
KING WILLIAM VA 23086
(804) 769-4936

Summons

To: DAVID O WHITE
18548 KING WILLIAM ROAD
KING WILLIAM VA 23086

Case No. 101CL21000568-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Friday, October 22, 2021

Clerk of Court: PATRICIA M. NORMAN

by Patricia M. Norman, Clerk
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name:



King William Circuit Court

Plaintiff(s)

Jessica L. McLane
&
Jessica L. McLane
on behalf of son
Bear E. McLane

KING WILLIAM CIRCUIT COURT

Defendant(s)

OCT 22 2021

David O. White
Steven M. Tupponce
Terry S. Stone
Kathy H. Morrison
Mark P. Lee
Veda G. Frazier

Filed/Received Patricia Norman Clerk

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

I. The Parties to This Complaint

A. The Plaintiff(s)

Jessica McLane
4458 Smokey Road
Aylett, VA 23009

King William County
804-402-1664
Jmclane0503@gmail.com

Bear McLane
4458 Smokey Road
Aylett, VA 23009

King William County
804-402-1664
Jmclane0503@gmail.com



B. The Defendant(s)

I am making this complaint against Dr. David O. White and members of the King William County School Board.

Defendant No. 1

David O. White
District Superintendent

18548 King William Road
King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
dwhite@kwcps.k12.va.us

Defendant No. 2

Steven M. Tupponce
Chairman

18548 King William Road
King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
stupponce@kwcps.k12.va.us

Defendant No. 3

Terry S. Stone
Member

18548 King William Road
King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
tstone@kwcps.k12.va.us

Defendant No. 4

Kathy H. Morrison
Member

18548 King William Road

King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
kmorrison@kwcps.k12.va.us

Defendant No. 5

Mark P. Lee
Member

18548 King William Road
King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
mplee@kwcps.k12.va.us

Defendant No. 6

Veda G. Frazier
Member

18548 King William Road
King William, VA 23086
Phone: (804) 769-3434
Fax: (804) 769-3312
vfrazier@kwcps.k12.va.us

II. Basis for Jurisdiction

42 U.S. Code § 1983, allows citizens the right to sue state or local officials for “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” The King William County School Board has violated protected civil liberties enshrined in the federal Civil Rights Act of 1964 as well as the Virginia Constitution, Virginia Human Rights Act § 2.2-3900(B.1.) and § 2.2-3904 and VA Code § 2.2-3902 in refusing to allow religious exemption and accommodation to the mask mandate.

In addition, The Virginia State requirement to wear masks in K-12 Schools issued by the Virginia Health Commissioner Norman Oliver dated August 12th, 2021, included a provision that:

*“any person with a sincerely held **religious objection** may request a **reasonable accommodation**”* - (Page 2, Last Paragraph; emphasis added).

III. Statement of Claim

1. On August 19th 2021, I submitted a written request to Dr. White for a religious exemption to the mask mandate for each of my three children enrolled in KWCPS. I thoroughly outlined the basis for my firmly held moral and religious objection against the mask mandate and in further communication, also gave clear suggestions of the accommodations I would be willing to accept.

A. Before considering my request, Dr. White required that I fill out his own newly invented form on September 9th which asked intrusive and personal questions that I felt were not in line with the Constitution and sought to scrutinize my personal beliefs instead of acknowledging them. In the spirit of cooperation, I completed the form to the best of my ability and submitted it to Dr. White. However, on September 23, 2021, I received an email from Dr. White's office stating my request for religious exemption was being flatly "denied." It said, *"After a review of the documentation that you submitted, your children will not be granted an accommodation and must wear a mask."*

B. In all communications with the Board regarding my religious exemption request, they demonstrated a blatant refusal to discuss or even acknowledge the clear language in the August 12th Health Order which specifies a provision for "*reasonable accommodation*" of religious belief which was included in order so as to recognize its substance enshrined in federal civil rights law. When Dr. White and the School Board in their final "review" of my request, made the definitive decision to ignore this provision and avoid any discussion or negotiation of an accommodation for my children, they willfully and deliberately violated the law.

2. Dr. White continued to ignore his legal obligation to provide reasonable accommodation when he denied my personal entrance to a school tour I had scheduled on September 16th at my older children's schools (King William High School and Hamilton Holmes Middle School). Despite providing a suggestion of accommodations such as having the tour held after school hours and socially distanced, Dr. White would simply not allow me to enter the school building without a mask as stated by the two school principals from whom the tour was to be given. However, when I directly questioned Dr. White about this, he denied ever directing the two school principals to refuse my access to the building or even having a conversation with them about it. I have yet to determine which of the three individuals is lying about how the decision was made.

IV. Injuries

1. Because Dr. White will not allow my children (specifically my 7-year-old son) into the building without a mask, I have been forced leave the work force in order to tend to his 2nd grade education, forgoing an income because of Dr. White's unlawful actions. In addition to the unexpected financial strain this has caused, my family and myself have also endured significant mental, emotional, physical, and spiritual stress because of the indignity of having our human rights blatantly violated in this way. I have taught my children their

whole lives that our rights are afforded by God and are preserved in the founding documents of this country. These rights are to be respected, honored and cherished. Dr. White and the School Board have demonstrated behavior in total opposition to this core American principle and have caused our family to endure what I can only describe as persecution for our beliefs.

V. Relief

1. I request that the King William County School Board immediately retract their denial of our religious exemption and allow my children to attend school with the proposed accommodations as well as allow me to have reasonably accommodated access inside my children's school buildings without a mask.

2. For the deliberate and malicious violation of the civil rights of myself and my children, I request punitive damages in excess of \$250,000. Additionally, because of KWCPs's denial of my son's religious exemption and accommodations, I was prevented the freedom to pursue career opportunities outside the home this year and I request compensation for past, present and future economic damages in excess of \$100,000. Also included in this amount are the unexpected expenses related to providing my son's education.

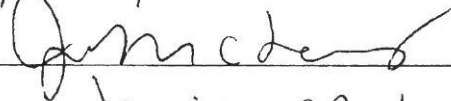
3. I am requesting that the King William County School Board be required to undergo training regarding the application of federal and state civil and human rights law in educational settings to prevent future violations to the students and families of King William. I also request that the King William County School Board's process for evaluation of religious exemptions be immediately suspended and investigated so that it can be determined legal by a formal civil rights office or council before any future requirement from a KWCPs student or parent.

VI. Certification and Closing

I certify to the best of my knowledge, information, and belief that my complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly inconvenience the court or parties involved; (2) is supported by existing law or by a nonfrivolous argument put forth in observance of the pursuit of justice; (3) includes factual contentions that have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable for further investigation or discovery; and (4) the complaint otherwise complies with the rules of civil procedure.

A. I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing 10/22/2021

Signature of Plaintiff 

Printed Name of Plaintiff Jessica McLane